

17636 U.S. PRO
07/24/03

Patent
P20

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: P20
First Named Inventor: Byard G. Nilsson
Prior Application Information:
Serial No. 10/120,632
Examiner: Gantt, Alan T.
Art Unit: 2684

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

08306 U.S. PRO
10/626409
07/24/03

FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

☒ continuation ☐ divisional ☐ continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/120,632 filed on April 11, 2002, which is a continuation of 09/685,169 filed on October 10, 2000, which is now U.S. Patent No. 6,405,029, which is a continuation of 09/465,127 filed on December 16, 1999, now U.S. Patent No. 6,149,353, which is a continuation of application Serial No. 08/878,864 filed on June 19, 1997, now U.S. Patent No. 6,049,710, by

BYARD G. NILSSON, entitled:

**WIRELESS TELEPHONE SYSTEM WITH MOBILE INSTRUMENTS FOR
OUTGOING CALLS**

For **CONTINUATION** or **DIVISION APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied, referenced above, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

CERTIFICATE OF MAILING
(37 C.F.R. § 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

ET214300915US

Express Mail Label No.

July 24, 2003

Date of Deposit

Byard G. Nilsson

Name of Person Mailing Paper

Byard G. Nilsson

Signature of Person Mailing Paper

I. APPLICATION ELEMENTS ENCLOSED

- 22 Page(s) of Written Description
- 4 Page(s) of Claims
- 1 Page(s) of Abstract
- 5 Sheet(s) of Drawings ☒ formal ☐ informal
- 1 Page(s) of ☒ Declaration or ☐ Declaration and Power of Attorney
- ☐ Copy from prior application [37 CFR §1.63(d)]
- ☒ Newly executed
- 1 Page(s) of Associate Power of Attorney
- ☐ Assignment papers (cover sheet and documents(s))
- ☒ An Information Disclosure Statement, PTO 1449, ☒ copies of the cited items are not enclosed, as each of the items was cited by or submitted to the Patent Office in the parent case (Application Serial No. 10/120,632).
- ☒ Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

II. FEE CALCULATION (Including Claims In The Preliminary Amendment)

- ☒ Applicant claims small entity status under 37 CFR 1.27.

BASIC FILING FEE:						\$750.00
Total Claims	10	-	20	=	0	x \$18.00 \$0.00
Independent Claims	2	-	3	=	0	x \$84.00 \$0.00
Multiple Dependent Claims	\$280	(if applicable)				<input type="checkbox"/> \$0.00
TOTAL OF ABOVE CALCULATIONS						\$750.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR §§ 1.9, 1.27, 1.28. If applicable, Verified Statement must be attached.						<input checked="" type="checkbox"/> \$375.00
Terminal Disclaimer fee						\$55.00
TOTAL FEES DUE HERewith						\$430.00

III. PRIORITY - 35 USC § 119

- ☐ Priority of application Serial No. _____ filed on _____ in _____ is claimed under 35 USC § 119.
- ☐ The certified copy has been filed in prior U.S. application Serial No. _____ on _____.
- ☐ The certified copy will follow.

IV. AMENDMENTS

- ☒ Cancel in this application original Claims 1-12 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a preliminary amendment.)

- ☒ A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

V. ASSIGNMENT

(1) Kimberly Nanette Engen - one-quarter interest

(2) Bettina Jean Thompson - one-quarter interest

Names of Assignees

(1) Kimberly Nanette Engen, 35 Deerhill Drive, Rolling Hills Estates, CA 90274

(2) Bettina Jean Thompson, 13117 S. 131st Street, Gilbert, AZ 85234

Addresses of Assignees

Assignment recorded in PTO on March 25, 1998, Reel 9060, Frame 0605

(3) Reena Kuyper - one-eighth interest

Name of Assignee

(3) 11805 Bellagio Road, Los Angeles, CA 90049

Address of Assignee

Assignment submitted to PTO.

(4) Francine Berry – one-eighth interest

Name of Assignee

(4) 9220 Sunset Blvd., Suite 315, Los Angeles, CA 90069

Address of Assignee

Assignment submitted to PTO.

VI. RELATE BACK - 35 USC § 120

- ☒ Relate back information included in preliminary amendment or specification.

- ☐ Please amend the specification as follows:

[Enter continuing data here]

- ☒ With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:

- ☒ the same.

- ☐ less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:

[Name(s) of inventor(s) to be deleted]

VII. FEE PAYMENT BEING MADE AT THIS TIME

☐ Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

☒ Attached.

- | | |
|---|-----------------|
| <input checked="" type="checkbox"/> Filing fees. | <u>\$430.00</u> |
| <input type="checkbox"/> Recording assignment. [\$40.00 37 CFR § 1.21(h)(1)] | _____ |
| <input type="checkbox"/> Petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or cannot be reached.
[\$130.00; 37 CFR §§ 1.47 and 1.17(h)] | _____ |
| <input type="checkbox"/> Petition fee to Suspend Prosecution for the Time Necessary to File an Amendment (New Application Filed Concurrently.)
[\$130.00; 37 CFR §§ 1.103 and 1.17(i)] | _____ |
| <input type="checkbox"/> For processing an application with a specification in a non-English language.
[\$130.00; 37 CFR §§ 1.52(d) and 1.17(k)] | _____ |
| <input type="checkbox"/> Processing and retention fee.
[\$130.00; 37 CFR §§ 1.53(f) and 1.21(l)] | _____ |

Total Fees Enclosed \$430.00

VIII. METHOD OF PAYMENT OF FEES

☒ Attached is a check in the amount of \$430.00.

IX. AUTHORIZATION TO CHARGE ADDITIONAL FEES

The Commissioner is hereby authorized to credit Deposit Account No. _____ for any over payment of fees and to charge the following additional fees by this paper and during the entire pendency of this application to Deposit Account No. _____:

- ☐ 37 CFR § 1.16 (Filing fees and excess claims fees)
- ☐ 37 CFR § 1.17 (Application processing fees)
- ☐ 37 CFR § 1.18 (Issue fee at or before mailing of Notice of Allowance, pursuant to 37 CFR § 1.311(b))
- ☐ 37 CFR § 1.21 (Assignment recordation fees)

X. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS

- ☒ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on ____ in prior application Serial No. ____.
- ☐ A new power has been executed and is attached.

Please send all correspondence to:

Byard G. Nilsson
2064 Santa Margarita Drive
Fallbrook, California 92028
(760) 728-3257

Please direct all inquiries to Byard G. Nilsson, at (760) 728-3257.

XI. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION

- ☐ A petition, fee and response has been filed to extend the term in the pending **prior** application until _____. A copy of the petition for extension of time in the **prior** application is attached.
- ☐ A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

XII. ABANDONMENT OF PRIOR APPLICATION

- ☐ Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

Dated: July 24, 2003

By: Byard G. Nilsson
Byard G. Nilsson
Reg. No. 17,350

2064 Santa Margarita Drive
Fallbrook, CA 92028
(760) 728-3257

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

First Named Inventor	Byard G. Nilsson
Title	WIRELESS TELEPHONE SYSTEM WITH MOBILE INSTRUMENTS FOR OUTGOING CALLS
Atty Docket Number	P20

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

7/24/03

Date

Byard G. Nilsson

Signature

Byard G. Nilsson

Typed or printed name

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**